

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASON DAVIDSON, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:19-cv-02550-JPH-DML
)	
SEAN JONES Sgt. SPD,)	
BART SMITH Lt. SPD,)	
CHUCK CURRY P.T.M. SPD,)	
CHANCE HOLMES P.T.M. SPD,)	
)	
Defendants.)	

**ORDER SCREENING COMPLAINT
AND DIRECTING ISSUANCE AND SERVICE OF PROCESS**

Plaintiff Jason Davidson, Jr., was a prisoner in the Shelby County Jail in Shelbyville, Indiana when he filed this case. Dkt. 1 at 5. He is now incarcerated in the Wabash Valley Correctional Facility. See dkt. 9. Mr. Davidson filed this 42 U.S.C. § 1983 excessive force action against four law enforcement officers. Dkt. 1. He has been granted *in forma pauperis* status, dkt. 9, and has paid the initial partial filing fee, dkt. 14. The complaint is ready for screening.

I. Screening Standard

Because Mr. Davidson is a prisoner as defined by 28 U.S.C. § 1915A(c), the Court must screen his complaint under 28 U.S.C. § 1915A(b). Under this statute, the Court must dismiss a complaint or any claim within a complaint which “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from

such relief.” 28 U.S.C. § 1915A(b). In determining whether the amended complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Pro se complaints are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

II. The Complaint

Mr. Davidson alleges that on February 13, 2019, four officers of the “Shelby County Police Department” used excessive force when they used a canine while he was being arrested. Dkt. 1 at 2–3. The complaint indicates that Mr. Davidson is suing under state law. Dkt. 1 at 4. He seeks monetary and injunctive relief against Sgt. Sean Jones, Lt. Bart Smith, Ptm. Chuck Curry, and Ptm. Chance Holmes. Dkt. 1 at 1, 4.

III. Discussion of Claims

Liberally construed, the allegations in the complaint are sufficient to plausibly assert a federal Fourth Amendment claim and an Indiana state-law claim for excessive force. Those claims **shall proceed** against the four named defendants.

No other claims or defendants have been identified in the complaint. Should Mr. Davidson believe that the Court has overlooked a claim or defendant, he shall have through **December 20, 2019**, to identify those omissions to the Court.

IV. Directing Service of Process

The **clerk is directed** under Federal Rule of Civil Procedure 4(c)(3) to issue process to defendants Sgt. Sean Jones, Lt. Bart Smith, Ptm. Chuck Curry, and Ptm. Chance Holmes in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 1, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

SO ORDERED.

Date: 11/25/2019



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

JASON DAVIDSON, JR.
228993
WABASH VALLEY - CF
WABASH VALLEY CORRECTIONAL FACILITY - Inmate Mail/Parcels
6908 S. Old US Hwy 41
P.O. Box 1111
CARLISLE, IN 47838

Sgt. Sean Jones
Shelby County Police Department
107 West Taylor Street
Shelbyville, IN 46176

Lt. Bart Smith
Shelby County Police Department
107 West Taylor Street
Shelbyville, IN 46176

Ptm. Chuck Curry
Shelby County Police Department
107 West Taylor Street
Shelbyville, IN 46176

Ptm. Chance Holmes
Shelby County Police Department
107 West Taylor Street
Shelbyville, IN 46176